

Atty. Dkt. No. 035451-0266 (3551.Palm.SG)

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-4, 6-11, and 13-24 are pending.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In paragraphs 2-17 of the Office Action, Claims 1-4, 6-11, 13-20, 23 and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,564,056 to Fitzgerald. The Applicant respectfully traverses this rejection.

Claim 1 recites "a device for communicating on a communication network with automated activation on said communication network *when booted up by forwarding a network unit device identifier, the network unit device identifier loaded by a manufacturer.*"

The system of Fitzgerald uses a hub 100 between a PDA 124 and a telephone or data network 104, 106. The functions performed by hub 100, *inter alia*, make the system of Fitzgerald quite different than the system of Claim 1 of the present application. Specifically, as noted in the Office Action at paragraph 10, it is the insertion of the memory card into hub 100 which begins the download of the device ID, data objects, etc. (col. 9 lines 5-14). First, while the system of Fitzgerald downloads the device ID when a memory card is inserted into hub 100, the system of present Claim 1 forwards a network unit device identifier "when booted up." Second, in Fitzgerald, the device ID is downloaded from a memory card to a hub, while in the system of present Claim 1, the network unit device identifier is forwarded from a device to be configured for communicating on the network to the communication network. Third, in Fitzgerald, the device ID is loaded by a manufacturer onto a memory card, whereas in the system of present Claim 1, the network unit device identifier is forwarded from the device to be configured for

Atty. Dkt. No. 035451-0266 (3551.Palm.SG)

communicating on the network to the communication network. These aspects of Claim 1 were recognized in the Statement of Reasons for Allowance dated June 15, 2005, which noted "where the wireless device already has a network unit device identifier prior to bootup which is forwarded to the server during bootup."

The Office Action states: "Column 9, lines 45-51 specifically discloses manufacturer registration information used to register device with manufacture via the external network." However, Fitzgerald's registering information is not sent when the device is "booted up."

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2-4 and 6 is respectfully requested.

Claim 7 depends from Claim 1 and recites the further patentable feature of communicating information over a cellular communication network through the network interface component of the device of Claim 1. As noted in the child application of the present application, U.S. Application No. 11/484,184, registration among devices in Fitzgerald's personal device network (e.g., operating over a home wireless network) is not "communicating information over a cellular communication network," as recited in present Claim 7. For example, in a home wireless network, a user has physical access to the hub 100 and can insert a memory card 220 including a device ID and programs into a card reader 202 on the hub 100. (Fitzgerald, col. 4 lines 58-61). In a cellular network, the user does not typically have such physical access to the network controller, which complicates the activation process and requires a more elegant activation procedure, such as that recited in Claim 7. Accordingly, reconsideration and withdrawal of the rejection of Claim 7 is respectfully requested.

Claims 8-11, 13-14, 15-20 and 23-24 are allowable for at least the same reasons as noted above with respect to Claim 1. Claim 14 is further allowable for at least the same reason as noted above with respect to Claim 7. Accordingly, reconsideration and withdrawal of the rejection of these claims is respectfully requested.

Atty. Dkt. No. 035451-0266 (3551.Palm.SG)

In paragraphs 18-20 of the Office Action, claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald in view of U.S. Patent No. 6,961,567 to Kuhn. This rejection is respectfully traversed. As discussed above, Fitzgerald fails to teach or suggest all elements of claims 1 and 8, from which claims 21 and 22 depend, respectively. Accordingly, reconsideration and withdrawal of the rejection of claims 21 and 22 is respectfully requested.

The claims of the present application are significantly different in scope than the claims in the child application, U.S. Application No. 11/484,184. For example, the claims in the present application currently recite features relating to "automatically" configuring a device, whereas such limitations are completely absent from claims 21-38 of the '184 application. The Applicant does not intend any claim amendment or remark in the child application or any related application to have any effect on the prosecution or scope of any claim in the present application. The Examiner should revisit any prior art cited in the '184 application and consider its applicability to the claims of the present application without regard to any claim amendment or remark made during prosecution of the '184 application.

Attached to the Final Office Action was a form PTO/SB/08 submitted by the Applicant on December 27, 2006. All references were initialed by the Examiner except documents A37 and A38. These two documents comprise patent applications and associated preliminary amendments. The form PTO/SB/08 did not list application numbers associated with the patent application because serial numbers were not yet assigned to the applications at the time of filing. However, the patent applications and associated preliminary amendments were listed by title, applicant, attorney docket number, and filing date. Also, copies of the applications and preliminary amendments were supplied with the PTO/SB/08 when filed. Document A37 has since been assigned application number 11/646,177 and document A38 has since been assigned application number 11/646,182. Accordingly, the Examiner is respectfully requested to review these references and initial and return a copy of the December 27, 2006 form PTO/SB/08.

The Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

-9-

MILW_2338831

Application No. 09/755,781

Atty. Dkt. No. 035451-0266 (3551.Palm.SG)

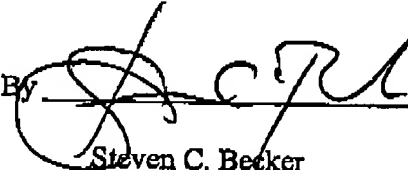
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 6-12-07

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5571
Facsimile: (414) 297-4900

By 
Steven C. Becker
Attorney for the Applicant
Registration No. 42,308